

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

JAMES A. FANNINGS, JR.

PETITIONER

v.

No. 4:18CV193-DMB-JMV

JIM HOOD

RESPONDENT

**ORDER DENYING PETITIONER’S MOTIONS [32], [35]
FOR APPOINTMENT OF COUNSEL**

The *pro se* petitioner, James A. Fannings, Jr., has moved [32], [35] for the appointment of counsel, and, as part of the second motion [35], he has moved for the court to expedite its ruling on the motion. This court is empowered to appoint counsel for a *habeas corpus* petitioner whenever it “determines that the interests of justice so require” 18 U.S.C. § 3006A(a)(2)(B). If an evidentiary hearing is to be held, the court is required to appoint counsel. Rule 8(c), Rules Governing § 2254 Cases. It appears that an evidentiary hearing will not be necessary in this case, and the petitioner has not alleged the existence of any circumstances which would, in the opinion of the court, require appointment of counsel at this time in the interests of justice.

It is, therefore **ORDERED** that petitioner’s Motions [32], [35] for Appointment of Counsel are hereby **DENIED**, but without prejudice to his right to move for appointment of counsel should circumstances arise which require such an appointment in the interests of justice. His request in the second motion [35] to expedite the court’s ruling is **DISMISSED** as moot.

SO ORDERED, this, the 18th day of January, 2022.

/s/ Jane M. Virden
UNITED STATES MAGISTRATE JUDGE